

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

PLAINTIFFS MICHAEL R. THOMAS)	Case No.: 1:12CV2443
and MARK A. JOHNSON,)	
individually and on behalf of all)	Judge Dan Aaron Polster
others similarly situated,)	
)	
Plaintiff,)	INTELLICORP'S INITIAL
)	DISCLOSURES PURSUANT TO
v.)	FED. R. CIV. P. 26(a)(1) and L.R. -
)	APPENDIX K
INTELLICORP RECORDS, INC.,)	
)	
Defendant.)	

Pursuant to Federal Rule of Civil Procedure 26(a), and Paragraph 2 of the Default Standard for Discovery of Electronically Stored Information (Appendix K to the Local Civil Rules), Defendant Intellicorp Records, Inc. ("Intellicorp"), makes the following initial disclosures. The disclosures provided herein are based on information reasonably available to Intellicorp at the present time. Intellicorp's investigation of its claims and defenses is ongoing. Intellicorp reserves the right to amend and/or supplement these disclosures periodically as additional information becomes available.

Intellicorp hereby expressly reserves all objections on the basis of any applicable privilege or protection to the use of any of the information and documents referenced herein, including without limitation the protections of the attorney-client privilege, the work product doctrine, any other applicable privilege, and the law governing the requirements for the admission of evidence. In addition, Intellicorp makes no representation or admission concerning the relevance, authenticity or admissibility of any document or category of documents identified in the disclosures. Intellicorp

reserves the right to object to Plaintiffs' discovery requests on any basis, including without limitation, relevancy, overbreadth, and burden.

A. Individuals Likely To Have Discoverable Information — Rule 26(a)(1)(A)(i)

Intellicorp currently believes that the following individuals or entities may have discoverable information that Intellicorp may use to support its claims or defenses, other than solely for impeachment:

1. Current and former employees of Intellicorp, who may be contacted through counsel, including:

Name	Role	Subject of Information
Kelly Ansboury	Manager, Marketing and Business Development	Intellicorp's products, marketing and business development
Todd Carpenter	President	All aspects of Intellicorp's business
David Garrett	Director, Applications Delivery	Intellicorp's information technology infrastructure, products, electronic databases, policies and procedures
Johhnnie Holifield	Member, Operations/Compliance	Intellicorp's consumer-facing compliance
James Javoris	Manager, Sales Team	Intellicorp's products
Sheri Lauderback	Manager, Sales Team	Intellicorp's products
Larry Meklemburg	Manager, Database Management	Intellicorp's electronic databases
Zach Miller	Member, Operations/Compliance	Intellicorp's consumer-facing compliance

Name	Role	Subject of Information
Kelly Novotny	Member, Operations/Compliance	Intellicorp's consumer-facing compliance
Jennifer Sebeck	Manager, Operations/Compliance	Intellicorp's policies and procedures, general compliance
Jeff Simenc	Manager, Database Build	Intellicorp's electronic databases
Matt Somers	Manager, Research and Product Development	Intellicorp's products, research and product development
Cheryl Whittington	Manager, Customer Service	Intellicorp's customer service and training material

2. Plaintiffs Michael R. Thomas and Mark A. Johnson who may be contacted through their counsel.

3. Other third party entities, including:

Name	Address and Telephone Number	Subject of Information
Best Care Senior Services, d.b.a Scruggs Family Care	9201 Friars Way Knoxville, TN 37922 (865) 259-7770	Plaintiff Michael R. Thomas's application for employment
Midwest Logistics Systems, Ltd.	7021 State Route 703 Celina, OH 45822 (419) 584-1414	Plaintiff Mark A. Johnson's application for employment
Intellicorp's vendors	Various	Public records searches
Insurance Information Exchange ("iiX")	1716 Briarcrest Drive Suite 200 Bryan, TX 77802	Services provided by Intellicorp to iiX; criminal background information provided by Intellicorp to

	(800) 683-8553	iiX regarding Plaintiff Mark A. Johnson
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B. Description of Discoverable Documents — Rule 26(a)(1)(A)(ii)

The following documents, electronically stored information, and tangible things are in Intellicorp's possession, custody, or control and may be used to support Intellicorp's claims or defenses, other than solely for impeachment, during the liability phase of this litigation:

1. Documents and electronically stored information relating to Intellicorp's products, research and product development.
2. Documents and electronically stored information relating to Intellicorp's electronic databases.
3. Documents and electronically stored information relating to Intellicorp's policies and procedures.
4. Documents and electronically stored information relating to Intellicorp's information technology infrastructure.
5. Documents and electronically stored information relating to Intellicorp's customer service.
6. Documents and electronically stored information relating to Intellicorp's marketing and business development.
7. Documents and electronically stored information relating to Intellicorp's provision of services to iiX.
8. Documents and electronically stored information relating to the background report prepared by Intellicorp concerning Plaintiff Michael R. Thomas.

9. Documents and electronically stored information relating to the criminal background information Intellicorp provided to iiX concerning Plaintiff Mark A. Johnson.

Based on information reasonably available to Intellicorp at the present time, Intellicorp discloses that the categories of documents described above that are not public records or in the possession, custody or control of Plaintiffs or the third parties listed above are principally located at Intellicorp's headquarters located at 3000 Auburn Drive, Suite 410 Beachwood, OH 44122. By making the foregoing disclosures, Intellicorp does not concede that all documents relating to the topics described above are relevant to the subject matter involved in this action, or are discoverable under the Federal Rules of Civil Procedure, and expressly reserves the right to object on that basis.

C. Damages Computation — Rule 26(a)(1)(A)(iii)

Intellicorp is not at this time asserting a claim for damages in this action.

D. Insurance Agreements — Rule 26(a)(1)(A)(iv)

Any insurance agreements under which an insurance carrier may be liable to satisfy part or all of a judgment that may be entered in this action or to indemnify or reimburse for payments made to satisfy a judgment will be made available for inspection and copying or as otherwise agreed.

E. List of Most Likely Custodians of Relevant Electronically Stored Information — L.R. - Appendix K, 2.a.

Please see the list of individuals identified pursuant to Rule 26(a)(1)(A)(i) (supra). Intellicorp also identifies Mark Metz, its Manager of Information Technology

Infrastructure, whose duties include managing Intellicorp's IT infrastructure, its e-mail system, and its archive and backup system.

F. List of Relevant Electronic Systems — L.R. - Appendix K, 2.b.

Intellicorp's relevant electronic systems include:

1. A database containing criminal background information, hosted on a centrally located server;
2. Live and archived e-mail, hosted on a centrally located server;
3. Desktop computers, backed up to a centrally located server;
4. Laptop computers, backed up to a centrally located server;
5. A virtual desktop environment, hosted on a centrally located server;
6. A two-sided web-based interface, hosted on a centrally located server:
 - (a) www.intellicorp.net, a customer-facing interface that describes and enables customers to purchase Intellicorp's product offerings;
 - (b) Researchers National Extranet Reporting System ("RNETS"), a vendor-facing interface through which Intellicorp's third-party vendors submit data that is incorporated into Intellicorp's products;
 - (c) Admin, an internal customer administration system that is used to configure and manage customer accounts;
7. Salesforce.com, a cloud-based computing service containing customer service information;
8. A network share drive, backed up to a centrally located server;
9. A loki drive, backed up to a centrally located server; and
10. Mobile handheld devices, connected to live e-mail.

G. Retention Coordinator — L.R. — Appendix K, 2.c.

David Garrett, Director of Applications Delivery, Intellicorp, will serve as Intellicorp's retention coordinator. The electronic information stored in the systems described above is backed up on a daily, weekly and monthly basis, as part of Intellicorp's disaster recovery protocol. Prior to 2010, Intellicorp used back-up tapes to store this information; two years ago, the company moved to a tapeless system.

H. E-Discovery Coordinator — L.R. — Appendix K, 2.d.

Michael J. Zbiegien, Jr., Partner, Taft Stettinius & Hollister LLP, will serve as Intellicorp's e-discovery Coordinator.

I. Anticipated E-Discovery Problems — L.R. — Appendix K, 2.e.

Intellicorp believes that it will not be reasonable or necessary or consistent with Appendix K to search backup tapes in the course of discovery. Any electronically stored information contained on these back-up tapes is of limited accessibility, and it would be unreasonably burdensome and expensive to obtain such information (if it is possible at all), including because the system from 2010 and before is no longer in use and the third-party vendor retained by Intellicorp to create and maintain those back-up tapes is no longer in business and is therefore not in a position to provide necessary technical support.

Date: January 29, 2013

Respectfully submitted,

/s/ David H. Wallace

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served this 29th day of January, 2013, via electronic mail upon the following:

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